

*see also*

20  
10/24/01  
18m

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEVI SLACK, JR.,  
Plaintiff

vs.

LEBANON COUNTY CORRECTIONAL  
FACILITY, et al.,  
Defendants

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CIVIL ACTION NO. 1:CV-01-0708

**FILED**  
**HARRISBURG, PA**

**OCT 23 2001**

O R D E R

MARY E. D'ANDREA, CLERK  
PER 9/16 DEPUTY CLERK

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

The magistrate judge filed a report and recommendation, dated August 23, 2001, recommending that we dismiss Plaintiff's complaint, in part, because Plaintiff did not respond to the Defendants' pending motion to dismiss and/or for summary judgment. After consideration of the report, we issued an order on October 2, 2001, directing Plaintiff to file a statement indicating whether he intends to oppose Defendants' motion. On October 16, 2001, Plaintiff filed a statement indicating that he wishes to proceed with this action.

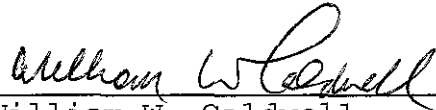
To allow Plaintiff to properly respond to the Defendants' motion, we will order the Clerk of Court to send Plaintiff the documents in this case that he never received, and we will grant him leave to oppose Defendants' motion.

Accordingly, this 23<sup>rd</sup> day of October, 2001, it is ordered that:

1. The Clerk of Court shall deliver to Plaintiff, Levis Slack, Jr., the following documents: Standing Practice Order, dated April 24, 2001, (Doc. No. 6); Order of the Magistrate Judge, filed April 27, 2001, (Doc. No. 7); Defendants' Motion to Dismiss and/or for Summary Judgment, dated July 12, 2001, (Doc. No. 12); Defendants' Supporting Brief, dated July 12, 2001, (Doc. No. 13); Order of the Magistrate Judge, filed August 10, 2001, (Doc. No. 14); and Report of the United States Magistrate Judge, dated August 23, 2001, (Doc. No. 16).

2. Plaintiff shall file an appropriate response to the Defendants' pending motion within twenty (20) days of the date of this Order.

3. This case is remanded to the Magistrate Judge for further proceedings.

  
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William W. Caldwell  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

October 23, 2001

Re: 1:01-cv-00708 Slack v. Lebanon County

True and correct copies of the attached were mailed by the clerk  
to the following:

Levi Slack Jr.  
CTY-LEB  
Lebanon County Prison  
MMIP-0227  
730 E. Walnut Street  
Lebanon, PA 17042

*w/docs 6, 7, 12, 13, 14 & 16  
as per order BTL*

David L. Schwalm, Esq.  
Thomas, Thomas & Hafer, LLP  
305 North Front Street  
Sixth Floor, P.O. Box 999  
Harrisburg, PA 17108

cc:

Judge	( )	( )	Pro Se Law Clerk
Magistrate Judge	( )	( )	INS
U.S. Marshal	( )	( )	Jury Clerk
Probation	( )		
U.S. Attorney	( )		
Atty. for Deft.	( )		
Defendant	( )		
Warden	( )		
Bureau of Prisons	( )		
Ct Reporter	( )		
Ctroom Deputy	( )		
Orig-Security	( )		
Federal Public Defender	( )		
Summons Issued	( )		
Standard Order 93-5	( )		
Order to Show Cause	( )		
Bankruptcy Court	( )		
Other	( )		

with N/C attached to complt. and served by:  
U.S. Marshal ( ) Pltf's Attorney ( )

with Petition attached & mailed certified mail  
to: US Atty Gen ( ) PA Atty Gen ( )  
DA of County ( ) Respondents ( )

MARY E. D'ANDREA, Clerk

DATE: 10/23/01

BY: BTH  
Deputy Clerk